

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HARRY McKINNEY,

*Plaintiff,*

v.

CHESTER COUNTY, et al.,

*Defendants.*

CIVIL ACTION  
NO. 20-1756

**ORDER**

**AND NOW**, this 5th day of February 2021, upon consideration of Defendants' Motion to Dismiss (ECF No. 23), Plaintiff's Response (ECF No. 26) and Defendants' Reply (ECF No. 27), it is hereby **ORDERED** that:

1. Defendants' Motion is **GRANTED** insofar as it seeks to dismiss Chester County Office of the Sheriff and Chester County Office of the Controller, and the case caption shall be **AMENDED** to identify Chester County as the sole Defendant.
2. Defendants' Motion is further **GRANTED** insofar as it seeks to dismiss Plaintiff's FLSA and PMWA claims. Count I of the Amended Complaint is **DISMISSED without prejudice** and Count II is **DISMISSED with prejudice** for the reasons stated in the Court's Memorandum.
3. Defendants' Motion is **DENIED** as moot insofar as it seeks to strike certain paragraphs of the Amended Complaint as well as a more definite statement; and

4. Plaintiff may file a second amended complaint consistent with this Order and the Court's Memorandum on or before **Monday, February 22, 2021**.

BY THE COURT:

/s/ *Gerald J. Pappert*  
GERALD J. PAPPERT, J.